



Penrith Local Planning Panel

Determination and Statement of Reasons

DATE OF DETERMINATION	28 March 2018
PANEL MEMBERS	Jason Perica (Chair) Mary-Lynne Taylor (Expert) John Brunton (Expert) Virginia Barrios (Community Representative)
APOLOGY	N/A
DECLARATIONS OF INTEREST	N/A
LISTED SPEAKER(S)	Mr Paul Buttigieg

Public Meeting held at Penrith City Council on 28 March 2018, opened at 5pm.

Matter Determined pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979

Development Application DA 17/1005 at Lot 6, DP 25020, No 48-54 Clark Road Londonderry – Detached dual occupancy and on-site sewerage management system.

Panel Consideration/Reasons for the Decision

The Panel had regard to further Council staff advice provided prior to the meeting (memo dated 28 March 2018) regarding subdivision, aspects of detail within the report and repetition of a recommended Condition.

The Panel generally agreed with the balance of environmental considerations outlined within the Council staff report.

However, careful attention was needed regarding the variation to the minimum lot size within Clause 7.10 of Penrith LEP 2010, particularly given this was the “trigger” for the matter being reported to the Panel. In this regard, while there was potentially a sound basis on which to conclude a variation to the standard could be supported for the site (for reasons within the Council staff report), the Panel needed to be satisfied under Clause 4.6(3) and (4) that the applicant’s written request demonstrated that compliance was unnecessary or unreasonable in the circumstances of the case, and there were sufficient environmental planning grounds to justify the non-compliance. This places specific onus on the applicant’s written 4.6 variation request, while Clause 4.6(4) places specific onus on the Panel to be satisfied regarding the applicant’s written request. The very brief attempted justification within the Statement of Environmental Effects was wholly inadequate in satisfying the requirements of Clause 4.6(3)

of PLEP 2010 and the Panel could accordingly not satisfy itself of the requirements within Clause 4.6(4) of the LEP.

Given other aspects of general merit, it was not appropriate to refuse the application, but rather defer the application to invite the applicant to submit a revised Clause 4.6 for subsequent consideration and determination, which could be done by electronic means in the circumstances.

There was also discussion with the applicant about the benefit and reasonableness of providing some additional mature native trees on the site, given the lot size non-compliance and the objectives of the zone relating to landscape character. The applicant verbally agreed to provide additional trees, which should be formalised with a revised Clause 4.6 Variation Request.

In terms of considering community views, the Panel noted there were no submissions received from the public exhibition of the DA.

Panel Decision

That DA17/1005 for Detached dual occupancy and on-site sewerage management system at 49-54 Clark Rd, Londonderry be deferred and the applicant be invited to submit a revised Clause 4.6 Variation Request to Council within 7 days of publishing of the decision, and the matter be subsequently reported back to the Panel for determination, which may be by electronic means.

Votes

The decision was unanimous by all Panel members.